

Remarks

Claims 1-8 have been cancelled in view of the subject matter claimed in co-pending U.S. Patent Application 10/745,276 filed December 23, 2003. Claims 9, 11, 12, 13 and 16-18 have been amended to make them more readable and to improve accuracy. Claims 14 and 15 have been deleted in view of the subject matter defined by amended claims 9, 10, 11, 12, 13 and 16-18. Claims 12 and 13 have been indicated by the Examiner to be allowable. The Examiner's objection to claims 13 and 14 in their original form is avoided by cancellation of claim 14.

Claims 17 and 18 have been allowed, but they now have been amended to improve the accuracy and to eliminate possible redundancy.

The Abstract has been amended to make it conform better to the claimed subject matter.

The cancellation of claims 1-8 of this application avoids the provisional rejection under 35 U.S.C. 101 based on the claim coverage of co-pending application 10/745,276, filed December 23, 2003, which is assigned to the assignee of the present invention.

Claims 9, 10, 11, 12, and 16 have been rejected on the ground of non-statutory obviousness-type double-patenting as being unpatentable over claims 9, 10, 11, 12, 14, and 15 of co-pending patent application Serial No. 10/745,276. Applicants are filing with this Amendment a Terminal Disclaimer Under 37 C.F.R. § 1.321(b). This Terminal Disclaimer avoids the double-patenting rejection of claims 9, 10, 11, 12, and 16.

The Examiner has objected to the specification and the drawings because Figures 1, 2, and 3 have not been designated by a legend such as "Prior Art." It is Applicants' position that the subject matter illustrated in Figures 1, 2, and 3 and described in the specification under the heading "Brief Description of the Drawings" is not prior art. That

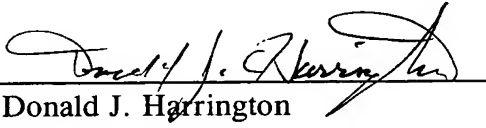
subject matter is not part of the present invention, but it provides an environment for the present invention. The present invention relates to an electric motor that is used in the hybrid electric vehicle powertrain schematically illustrated in Figure 1. That powertrain is disclosed in several pending patent applications filed by the assignee of the present invention, but it is the understanding of Applicants and Applicants' attorney of record that the subject matter of Figures 1, 2, and 3 has not been publicly disclosed, nor sold, nor published, nor offered for sale, at a time prior to the effective filing date of the present invention, which is April 12, 2002. The hybrid electric vehicle powertrain illustrated schematically in Figure 1 is a powertrain presently manufactured and sold by Ford Motor Company. It was first introduced to the public in vehicles manufactured and sold by Ford Motor Company late in 2004, more than two years after Applicants' effective filing date.

It is requested that the Examiner reconsider the objections to the drawings and the specification on page 2 of the Office Action and withdraw the objection.

It is believed that the present application now is in condition for allowance. The issuance of a Notice of Allowance is solicited respectfully.

Respectfully submitted,

ABBAS RAFTARI ET AL.

By 
Donald J. Harrington
Reg. No. 17,427
Attorney for Applicants

Date: March 9, 2006

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351